

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Claims 1-54 are currently pending in the application. Claims 1-11, 15-25, 28-36, 39-50 and 54 stand rejected. Claims 12-14, 26, 27, 37, 38 and 51-53 have been indicated as allowable, but objected to as being dependent upon a rejected base claim.

Rejection Under 35 U.S.C. §103

Claims 1-11, 15-25, 28-36, 39-50 and 54 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Pat. No. 6,249,089 to Bruwer in view of U.S. Pat. Appl. No. US 2003/0147239 to Galli. Applicant respectfully traverses this rejection.

In this regard, the Examiner admits that “Bruwer does not teach that operating a light source in accordance with each identified mode of the plurality of operating modes including activating, deactivating and activating the flashlight through use of the momentary contact without changing the identified mode”, but goes on to assert that “Galli discloses a dual mode switch mechanism for flashlight, and the dual mode switch mechanism is operating a light source in accordance with each identified mode of the plurality of operating modes including activating, deactivating had activating the flashlight through use of the momentary contact without changing the identified mode (paragraph 0004)” (Office Action of 6/22/06, page 3). However, it would appear that the Examiner is fundamentally in error.

For example, Galli explicitly states that the Galli “invention is . . . a dual mode switching mechanism that includes a momentary ON, a full ON and a verifiable OFF position” (Galli, par.

[0010]). Further, “Each one of the functions is selected by rotating the end cap assembly including the switch of the present invention . . . As the end cap of the assembly is rotated, its linear spacing relative to the flashlight housing is increased or decreased thereby altering the mode of switch operation” (Galli, par. [0009]). Since the Galli mode is selected by rotating the end cap, there is no “operating a light source in accordance with each identified mode of the plurality of operating modes including activating, deactivating had activating the flashlight through use of the momentary contact.” Under Galli, only one of the three linear positions involves the use of a momentary contact switch. However, the claims are limited to “operating a light source in accordance with each identified mode of the plurality of operating modes including activating, deactivating had activating the flashlight through use of the momentary contact.” Since Galli can activate and deactivate the light source with the momentary contact switch in only one of the three modes, the combination of Bruwer and Galli does not meet this express claim limitation.

Since the combination of Bruwer and Galli does not meet this claim limitation, the combination does not teach or suggest each and every claim limitation. Since the combination does not teach or suggest each and every claim limitation, the rejections are improper and should be withdrawn.

Closing Remarks

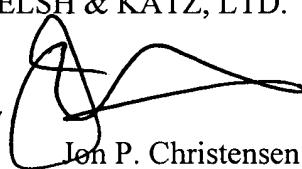
For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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By


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